IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

W.T.A. No. 4 of 2000

DATE OF DECISION: January 12, 2009

Commissioner of Wealth Tax (Central), Ludhiana

…Appellant

Versus

Raman Bansal

…Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE H.S. BHALLA

Present: Mr. Shammi Bansal, Advocate.

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

M.M. KUMAR, J.

The revenue has filed the instant appeal under Section 27A of the Wealth Tax Act, 1957, against order dated 16.4.1999, passed by the Income Tax Appellate Tribunal, Delhi Bench 'B', New Delhi (for brevity, 'the Tribunal') in WTA No. 283/Del/93, in respect of assessment year 1991-92. The revenue has sought to raise the following substantial question of law for determination of this Court:-

> "Whether on the facts and in the circumstances of the case and on correct interpretation of Clause (e) of Section 2 of Wealth Tax Act, the ITAT was right in law

in holding that assessee's share in Cash Incentive/Duty Draw Back Claim receivable is not includable in the net wealth of the assessee?"

The tax effect involved in the present case is Rs. 27,794/- which in monetary terms is diminutive. This is evident from the perusal of the order of the Commissioner of Wealth Tax (Appeals), dated 11.12.1992 (A-2). Therefore, we do not wish decide the controversy on merit as the parties have been litigating for the last over 17 years. In that regard we follow the view taken by the Full Bench of this Court in the case of **Commissioner of Income Tax v. Smt. Aruna Luthra, (2001) 252 ITR 76**. Accordingly, we prefer to refrain from interfering in the order passed by the Tribunal and answering the question of law.

(M.M. KUMAR)
JUDGE

(H.S. BHALLA)
JUDGE

January 12, 2009
Pkapoor